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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 000138

SIPDIS

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TAGS: KDEM PGOV PREL AF

SUBJECT: PARLIAMENTARY ELECTIONS: DONORS LIKELY TO FUND BUT WANT REFORMS

REF: KABUL 03874

Classified By: PolCouns Annie Pforzheimer for reasons 1.4 (b) and (d).

¶1. (C) Summary: While Kabul-based donor nation representatives have not reached consensus on the level of support the international community (IC) should provide for the upcoming Parliamentary elections, some donors had already committed funds to UNDP's Enhancing Legal and Electoral Capacity for Tomorrow (ELECT) and express an unwillingness to recall the funds. Given the high levels of fraud in last year's presidential elections (reftel) and the absence of any substantive reforms since then, donor representatives want limited or conditional funding for the upcoming election and may expand funding to civil society and other groups for longer-term electoral reforms, as an alternative to fully funding the GIRoA electoral structure. End Summary.

¶2. (C) On January 13, Embassy Kabul hosted a meeting to discuss possible support strategies for the upcoming Parliamentary elections, currently scheduled for May 22, 2010. Representatives from the British, Swedish, Canadian, German, Dutch, Estonian, and Norwegian Embassies were present, as well the European Commission and the European Union. On January 14 and 15, EmbOffs spoke to senior UK and UN contacts on the issue of 'minimum reforms' as a condition of support.

Conditional Funding/Focus on Long-Term Electoral Reform

¶3. (C) Donor representatives in the group meeting discussed the possibility of imposing conditionality on funding for the election but did not reach consensus on whether to attach conditions to all funding or to provide a minimum amount of funding and incentivize further support. Proposed conditions included a) changing Independent Elections Committee (IEC) Commissioners; b) amending the electoral law by Presidential decree (some donors expressed concern about asking President to "bend" the law with no Parliamentary buy-in); c) prosecuting fraud cases from the last election; d) publicizing blacklisted candidates; and, e) retaining the international members of the Electoral Complaints Commission (ECC).

¶4. (SBU) Some donor representatives expressed concern that even if conditions were imposed, there would not be enough time to comply if elections took place in May. Others worried that a seriously flawed election, made worse by restricting funding, is not in donors' interests and would jeopardize their publics' support for the war. Some present raised concern about the loss of any momentum for election administration reform that would follow a suspension of aid, highlighting a tension between the longer term development of the IEC and the need to effect consequences for the lack of political will for a fair election. Given the near certainty of a fraudulent election absent postponement and major reforms, donor representatives discussed shifting resources

to longer-term electoral reforms, to be implemented by civil society organizations rather than UNDP ELECT, but did not arrive at a consensus.

¶ 15. (U) Since UNDP ELECT has not yet submitted any funding statements from the 2009 elections, it is unclear how much money remains for the upcoming election. Regardless of whether the IC provides funding for the election, without a significant postponement to allow for electoral reforms a credible election is impossible. Even if the necessary legal and structural reforms were enacted immediately, a credible election would still be unlikely in the allotted time.

¶ 16. (C) In separate meetings, UK and UN officials told us that they were unclear about 'minimum reforms' that would be both meaningful and achievable in time for elections. The reforms converge around changes at senior levels at the IEC, technical fixes which enhance fraud prevention, and a division of labor which would end the practice of UNDP providing both technical support to the IEC as well as support to the ECC - which was supposed to catch IEC wrongdoing. UNAMA is now in the legal position, since the elections period has officially begun, to recommend three international elections experts for the next ECC and is considering doing so in order to increase its leverage with Karzai.

¶ 17. (SBU) The UN has prepared a non-paper which explains why the IEC is unable to conduct elections on time. However, the IEC is putting on a brave public face and the media recently quoted (inaccurately) President Karzai telling Holbrooke that the elections would happen on time. The IEC has outlined the

KABUL 00000138 002 OF 002

following schedule (and on January 16, publicly announced the start of the candidate nomination process):

- January 23-February 6: Nomination of candidates
- February 20-April 19: Voter registration at provincial offices
- March 14: Publication of final list of candidates
- March 23-April 21: Printing and delivery of ballot papers
- March 15-May 19: Political campaign period
- May 22: Polling Day

EIKENBERRY